

107TH CONGRESS  
1ST SESSION

# H. R. 305

To establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2001

Mr. TRAFICANT introduced the following bill; which was referred to the  
Committee on the Judiciary

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## A BILL

To establish the Fair Justice Agency as an independent agency for investigating and prosecuting alleged misconduct, criminal activity, corruption, or fraud by an officer or employee of the Department of Justice.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Fair Justice Act of  
5       2001”.

6       **SEC. 2. ESTABLISHMENT.**

7       There is established the Fair Justice Agency (in this  
8       Act referred to as the “Agency”), which shall be an inde-

1 pendent agency in the executive branch of the Govern-  
2 ment.

3 **SEC. 3. DIRECTOR.**

4 (a) IN GENERAL.—There is at the head of the Agen-  
5 cy a Director, who shall be responsible for the exercise  
6 of all powers and the discharge of all duties of the Agency.

7 (b) APPOINTMENT.—The Director shall be appointed  
8 for a term of ten years by the President, by and with the  
9 advice and consent of the Senate, from among persons  
10 who, by reason of general background and experience, are  
11 specially qualified to manage the full range of responsibil-  
12 ities of the Director.

13 (1) BACKGROUND CHECK.—The pre confirma-  
14 tion background check for the Director shall be con-  
15 ducted by the law enforcement divisions of the De-  
16 partment of Treasury.

17 (c) PAY.—

18 (1) IN GENERAL.—The Director shall be paid  
19 at the rate payable for level II of the Executive  
20 Schedule.

21 (2) CONFORMING AMENDMENT.—Section 5313  
22 of title 5, United States Code, is amended by adding  
23 at the end the following item: “Director, Fair Jus-  
24 tice Agency.”.

1 (d) TRAVEL EXPENSES.—The Director and individ-  
2 uals appointed under section 5(a) shall receive travel ex-  
3 penses in accordance with sections 5702 and 5703 of title  
4 5, United States Code.

5 (e) DISMISSAL.—

6 (1) IN GENERAL.—The Director may be dis-  
7 missed only by the President for inefficiency, neglect  
8 of duty, or malfeasance in office.

9 (2) REPORT.—Within five days after dismissing  
10 a Director under this subsection, the President shall  
11 submit to the Congress a report containing a de-  
12 tailed statement of the reasons for the dismissal.

13 **SEC. 4. INVESTIGATIVE AND PROSECUTORIAL AUTHORITY.**

14 (a) IN GENERAL.—The Director may investigate and  
15 prosecute any alleged misconduct, criminal activity, cor-  
16 ruption, or fraud by an officer or employee of the Depart-  
17 ment of Justice.

18 (b) SPECIFIC FUNCTIONS AND POWERS.—The au-  
19 thority of the Director under subsection (a) shall include  
20 the following:

21 (1) Conducting proceedings before grand juries  
22 and other investigations.

23 (2) Participating in court proceedings and en-  
24 gaging in any litigation, including civil and criminal  
25 matters, that the Director considers necessary.

1           (3) Appealing any decision of a court in any  
2           case or proceeding in which the Director participates  
3           in an official capacity.

4           (4) Reviewing all documentary evidence avail-  
5           able from any source.

6           (5) Determining whether to contest the asser-  
7           tion of any testimonial privilege.

8           (6) Receiving appropriate national security  
9           clearances and, if necessary, contesting in court (in-  
10          cluding participating in camera proceedings) any  
11          claim of privilege or attempt to withhold evidence on  
12          grounds of national security.

13          (7) Making applications to any Federal court  
14          for a grant of immunity to any witness, consistent  
15          with applicable statutory requirements, or for war-  
16          rants, subpoenas, or other court orders, and for pur-  
17          poses of this Act exercising the authority of a  
18          United States attorney or the Attorney General  
19          under sections 6003, 6004, and 6005 of title 18,  
20          United States Code.

21          (8) Inspecting, obtaining, or using the original  
22          or a copy of any tax return, in accordance with the  
23          applicable statutes and regulations, and, for pur-  
24          poses of this Act exercising the authority vested in  
25          a United States attorney or the Attorney General

1 under section 6103 of the Internal Revenue Code of  
2 1986 and the regulations issued thereunder.

3 (9) Initiating and conducting prosecutions in  
4 any court of competent jurisdiction, framing and  
5 signing indictments, filing informations, and han-  
6 dling all aspects of any case, in the name of the  
7 United States.

8 (10) Consulting with the United States attorney  
9 for the district in which any violation of law being  
10 investigated or prosecuted by the Director is alleged  
11 to have occurred.

12 **SEC. 5. OFFICERS AND EMPLOYEES**

13 (a) OFFICERS AND EMPLOYEES.—The Director may  
14 appoint and fix the compensation of such officers and em-  
15 ployees, including attorneys, as the Director considers ap-  
16 propriate.

17 (b) APPLICABILITY OF CERTAIN CIVIL SERVICE  
18 LAWS.—Such officers and employees shall be appointed  
19 subject to the provisions of title 5, United States Code,  
20 governing appointments in the competitive service, and  
21 shall be paid in accordance with the provisions of chapter  
22 51 and subchapter III of chapter 53 of that title relating  
23 to classification and General Schedule pay rates.

24 (c) EXPERTS AND CONSULTANTS.—The Director  
25 may procure temporary and intermittent services under

1 section 3109(b) of title 5, United States Code, at rates  
2 for individuals not to exceed the maximum rate payable  
3 under the General Schedule.

4 **SEC. 6. ADMINISTRATIVE POWERS.**

5 (a) RULES.—The Director may prescribe such proce-  
6 dural and administrative rules and regulations as the Di-  
7 rector deems necessary or appropriate to administer and  
8 manage the functions now or hereafter vested in the Direc-  
9 tor.

10 (b) REORGANIZATION.—The Director may establish,  
11 alter, consolidate, or discontinue such organizational units  
12 or components within the Agency as the Director considers  
13 appropriate.

14 (c) MAILS.—The Agency may use the United States  
15 mails in the same manner and under the same conditions  
16 as other departments and agencies of the United States.

17 (d) ADMINISTRATIVE SUPPORT SERVICES.—Upon  
18 the request of the Director, the Administrator of General  
19 Services shall provide to the Agency, on a reimbursable  
20 basis, the administrative support services necessary for the  
21 Agency to carry out its responsibilities under this Act.

22 (e) CONTRACT AUTHORITY.—The Director may enter  
23 into and perform such contracts, leases, cooperative agree-  
24 ments, or other similar transactions with government and  
25 private agencies or persons for supplies and services, to

1 the extent or in the amounts provided in advance in appro-  
2 priation Acts.

3 (f) SEAL OF AGENCY.—The Director shall cause a  
4 seal of office to be made for the Agency of such design  
5 as the Director shall approve. Judicial notice shall be  
6 taken of such seal.

7 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

8 There are authorized to be appropriated to the Direc-  
9 tor to carry out this Act \$10,000,000 for fiscal year 2001,  
10 \$15,000,000 for fiscal year 2002, and \$20,000,000 for fis-  
11 cal year 2003.

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